

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

07 Civ. 8849 (PKC)

Plaintiff,

- against -

COLONIAL INVESTMENT MANAGEMENT, LLC,
COLONIAL FUND LLC, and CARY G. BRODY,

Defendants.

ECF CASE


MOTION FOR TURNOVER ORDER
(FED. R. CIV. P. 69(a) and NY CPLR 5225(b))

The plaintiff – judgment creditor Securities and Exchange Commission (the “Commission”) moves pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules (“NY CPLR”) 5225(b) for an order directing JPMorgan Chase Bank, N.A. (“JPMorgan”), to turn over to the Commission the funds on deposit in account number XXXXXXXXX1465 in the name of the defendant – judgment debtor Colonial Investment Management, LLC (“CIM”) up to the amount due and owing to the Commission jointly from CIM and from the defendant – judgment debtor Cary G. Brody (“Brody”), which is as of September 20, 2010 \$982,053.49, together with postjudgment interest thereon through the date of payment.

The Commission further moves that the Court issue an order to show cause, directing CIM and Brody, and Felecia Brody, who may have an adverse claim to such funds, to show cause why such motion should not be granted, and an order reinstating the restraining notice previously served upon JPMorgan with respect to account number XXXXXXXXX1465 pending the determination of this motion, and providing for service upon JPMorgan.

In support of this motion the Commission submits the Declaration of John J. Graubard and the exhibits thereto, the Declaration of John J. Graubard pursuant to Local Civil Rule 6.1(d) as to why an order to show cause should be granted, and a Memorandum of Law.

Dated: New York, New York
September 20, 2010



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